

forth in section 6.1(b) of Executive Order 13526 of December 29, 2009.

(b) Executive Order 12472 of April 3, 1984, as amended, is hereby revoked.

(c) [Amended Ex. Ord. No. 12382, set out as a note under section 901 of Title 47, Telecommunications.]

(d) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an agency, or the head thereof; or

(ii) the functions of the Director of the OMB relating to budgetary, administrative, or legislative proposals.

(e) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(f) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

EX. ORD. NO. 13961. GOVERNANCE AND INTEGRATION OF  
FEDERAL MISSION RESILIENCE

Ex. Ord. No. 13961, Dec. 7, 2020, 85 F.R. 79379, provided: By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Security Act of 1947, as amended, I hereby order the following:

SECTION 1. *Policy.* It is the policy of the United States to maintain comprehensive and effective continuity programs that ensure national security and the preservation of government structure under the United States Constitution and in alignment with Presidential Policy Directive-40 (PPD-40) of July 15, 2016 (National Continuity Policy). Executive departments and agencies (agencies), including the Executive Office of the President, must maintain the capability and capacity to continuously perform National Essential Functions (NEFs), as defined by PPD-40, regardless of threat or condition, and with the understanding that adequate warning may not be available. Agency heads must fully integrate preparedness programs, including continuity and risk management, into day-to-day operations to ensure the preservation of the NEFs under all conditions.

SEC. 2. *Federal Mission Resilience Strategy.* To achieve this policy, in conjunction with this order, I am signing the Federal Mission Resilience Strategy (Strategy), which should be implemented to increase the resilience of the executive branch. Implementing the Strategy will reduce the current reliance on reactive relocation of personnel and enhance a proactive posture that minimizes disruption, distributes risk to the performance of NEFs, and maximizes the cost-effectiveness of actions that ensure continuity of operations, continuity of government, and enduring constitutional government.

SEC. 3. *Executive Committee.* (a) The Federal Mission Resilience Executive Committee (Executive Committee) is hereby established.

(b) The Executive Committee shall be composed of the Secretary of Defense, the Secretary of Homeland Security, the Director of National Intelligence, the Assistant to the President for National Security Affairs (APNSA), the Assistant to the President and Deputy Chief of Staff for Operations, and the Director of the Office of Management and Budget. When issues concerning science and technology, including communications technology, are on the agenda, the Executive Committee also shall include the Director of the Office of Science and Technology Policy (OSTP). The heads of other agencies, and other senior officials, shall be invited to attend meetings as appropriate.

(c) The APNSA, in coordination with the other members of the Executive Committee, shall be responsible for convening the committee, as appropriate, to coordinate the review, integration, and execution of the Strategy and other continuity policy across the executive branch.

(d) The Executive Committee shall:

(i) coordinate the development of an implementation plan (Plan) for the Strategy and other continuity policy, as described in section 4(b) of this order, and shall facilitate execution of the Plan and other continuity policy, as appropriate;

(ii) advise the President, through the Assistant to the President and Chief of Staff (Chief of Staff), on the review, integration, and execution of the Strategy and other continuity policy, including the recommendations outlined in section 4(c) of this order;

(iii) establish, with consensus of its members and as appropriate, subordinate coordinating bodies; and

(iv) coordinate the development of an interagency framework under which agencies will assess and address risk to Federal Mission Resilience and NEFs across the executive branch.

SEC. 4. *Implementation.* (a) Within 90 days of the date of this order [Dec. 7, 2020], the Executive Committee shall submit a Federal Mission Resilience Executive Committee Charter to the President, through the Chief of Staff, that identifies any subordinate bodies, working groups, and reporting mechanisms that support the role of the Executive Committee.

(b) Within 90 days of the date of this order, the Executive Committee shall submit a Federal Mission Resilience Implementation Plan to the President, through the Chief of Staff, that sets forth how the executive branch will implement the Strategy. The Plan shall describe in detail the near-, mid-, and long-term actions necessary to ensure the uninterrupted performance of NEFs.

(c) Within 120 days of the date of this order, the Executive Committee shall coordinate the review of existing continuity policy and other related national policies, and shall provide recommendations to the President, through the Chief of Staff, on any actions necessary to align these policies with the implementation of the Strategy.

SEC. 5. *Amendment to PPD-40.* To designate a new National Continuity Coordinator (NCC), in section 6 of PPD-40, the second sentence is hereby revised to read as follows: “To advise and assist the President in that function, the Assistant to the President for National Security Affairs, or his or her designee, is designated as the NCC.”

SEC. 6. *Amendments to Executive Order 13618.* (a) [Amended Ex. Ord. 13618, set out above.]

(b) Section 3 of Executive Order 13618 is hereby revoked. The responsibilities of the national security and emergency preparedness Executive Committee set forth in section 3.3 of Executive Order 13618 shall be transferred to and exercised by the Executive Committee established in section 3 of this order.

SEC. 7. *Program Support.* The national security and emergency preparedness Executive Committee Joint Program Office established by section 4 of Executive Order 13618 shall support the Executive Committee established in section 3 of this order, the execution of activities described in section 4 of this order, and those activities taken by the Director of OSTP pursuant to section 6 of this order.

SEC. 8. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP.

## § 5195a. Definitions

### (a) Definitions

For purposes of this subchapter only:

**(1) Hazard**

The term “hazard” means an emergency or disaster resulting from—

- (A) a natural disaster; or
- (B) an accidental or man-caused event.

**(2) Natural disaster**

The term “natural disaster” means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, or other catastrophe in any part of the United States which causes, or which may cause, substantial damage or injury to civilian property or persons.

**(3) Emergency preparedness**

The term “emergency preparedness” means all those activities and measures designed or undertaken to prepare for or minimize the effects of a hazard upon the civilian population, to deal with the immediate emergency conditions which would be created by the hazard, and to effectuate emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by the hazard. Such term includes the following:

(A) Measures to be undertaken in preparation for anticipated hazards (including the establishment of appropriate organizations, operational plans, and supporting agreements, the recruitment and training of personnel, the conduct of research, the procurement and stockpiling of necessary materials and supplies, the provision of suitable warning systems, the construction or preparation of shelters, shelter areas, and control centers, and, when appropriate, the non-military evacuation of the civilian population).

(B) Measures to be undertaken during a hazard (including the enforcement of passive defense regulations prescribed by duly established military or civil authorities, the evacuation of personnel to shelter areas, the control of traffic and panic, and the control and use of lighting and civil communications).

(C) Measures to be undertaken following a hazard (including activities for fire fighting, rescue, emergency medical, health and sanitation services, monitoring for specific dangers of special weapons, unexploded bomb reconnaissance, essential debris clearance, emergency welfare measures, and immediately essential emergency repair or restoration of damaged vital facilities).

**(4) Organizational equipment**

The term “organizational equipment” means equipment determined by the Administrator to be necessary to an emergency preparedness organization, as distinguished from personal equipment, and of such a type or nature as to require it to be financed in whole or in part by the Federal Government. Such term does not include those items which the local community normally uses in combating local disasters, except when required in unusual quantities dictated by the requirements of the emergency preparedness plans.

**(5) Materials**

The term “materials” includes raw materials, supplies, medicines, equipment, compo-

nent parts and technical information and processes necessary for emergency preparedness.

**(6) Facilities**

The term “facilities”, except as otherwise provided in this subchapter, includes buildings, shelters, utilities, and land.

**(7) Administrator**

The term “Administrator” means the Administrator of the Federal Emergency Management Agency.

**(8) Neighboring countries**

The term “neighboring countries” includes Canada and Mexico.

**(9) United States and States**

The terms “United States” and “States” includes<sup>1</sup> the several States, the District of Columbia, and territories and possessions of the United States.

**(10) State**

The term “State” includes interstate emergency preparedness authorities established under section 5196(h) of this title.

**(b) Cross reference**

The terms “national defense” and “defense,”<sup>2</sup> as used in the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.),<sup>3</sup> includes<sup>1</sup> emergency preparedness activities conducted pursuant to this subchapter.

(Pub. L. 93-288, title VI, § 602, as added Pub. L. 103-337, div. C, title XXXIV, § 3411(a)(3), Oct. 5, 1994, 108 Stat. 3101; amended Pub. L. 111-351, § 3(c), Jan. 4, 2011, 124 Stat. 3864.)

## REFERENCES IN TEXT

The Defense Production Act of 1950, referred to in subsec. (b), is act Sept. 8, 1950, ch. 932, 64 Stat. 798, which was classified to section 2061 et seq. of the former Appendix to Title 50, War and National Defense, prior to editorial reclassification and renumbering as chapter 55 (§ 4501 et seq.) of Title 50. For complete classification of this Act to the Code, see Tables.

## PRIOR PROVISIONS

Provisions similar to those in this section were contained in sections 2252 and 2282 of the former Appendix to Title 50, War and National Defense, prior to repeal by Pub. L. 103-337, § 3412(a).

## AMENDMENTS

2011—Subsec. (a)(4). Pub. L. 111-351, § 3(c)(2), substituted “Administrator” for “Director”.

Subsec. (a)(7). Pub. L. 111-351, § 3(c)(1), added par. (7) and struck out former par. (7). Prior to amendment, text read as follows: “The term ‘Director’ means the Director of the Federal Emergency Management Agency.”

## TRANSFER OF FUNCTIONS

For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal

<sup>1</sup> So in original. Probably should be “include”.

<sup>2</sup> So in original. The comma probably should follow the closing quotation marks.

<sup>3</sup> See References in Text note below.

Emergency Management Agency, see section 315(a)(1) of Title 6, Domestic Security.

For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313(1) and sections 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

#### § 5195b. Administration of subchapter

This subchapter shall be carried out by the Administrator of the Federal Emergency Management Agency.

(Pub. L. 93-288, title VI, § 603, as added Pub. L. 103-337, div. C, title XXXIV, § 3411(a)(3), Oct. 5, 1994, 108 Stat. 3102; amended Pub. L. 111-351, § 3(c)(2), Jan. 4, 2011, 124 Stat. 3864.)

#### AMENDMENTS

2011—Pub. L. 111-351 substituted “Administrator” for “Director”.

#### TRANSFER OF FUNCTIONS

For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315(a)(1) of Title 6, Domestic Security.

For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313(1) and sections 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

#### § 5195c. Critical infrastructures protection

##### (a) Short title

This section may be cited as the “Critical Infrastructures Protection Act of 2001”.

##### (b) Findings

Congress makes the following findings:

(1) The information revolution has transformed the conduct of business and the operations of government as well as the infrastructure relied upon for the defense and national security of the United States.

(2) Private business, government, and the national security apparatus increasingly depend on an interdependent network of critical physical and information infrastructures, including telecommunications, energy, financial services, water, and transportation sectors.

(3) A continuous national effort is required to ensure the reliable provision of cyber and physical infrastructure services critical to maintaining the national defense, continuity of government, economic prosperity, and quality of life in the United States.

(4) This national effort requires extensive modeling and analytic capabilities for purposes of evaluating appropriate mechanisms to ensure the stability of these complex and

interdependent systems, and to underpin policy recommendations, so as to achieve the continuous viability and adequate protection of the critical infrastructure of the Nation.

##### (c) Policy of the United States

It is the policy of the United States—

(1) that any physical or virtual disruption of the operation of the critical infrastructures of the United States be rare, brief, geographically limited in effect, manageable, and minimally detrimental to the economy, human and government services, and national security of the United States;

(2) that actions necessary to achieve the policy stated in paragraph (1) be carried out in a public-private partnership involving corporate and non-governmental organizations; and

(3) to have in place a comprehensive and effective program to ensure the continuity of essential Federal Government functions under all circumstances.

##### (d) Establishment of national competence for critical infrastructure protection

##### (1) Support of critical infrastructure protection and continuity by National Infrastructure Simulation and Analysis Center

There shall be established the National Infrastructure Simulation and Analysis Center (NISAC) to serve as a source of national competence to address critical infrastructure protection and continuity through support for activities related to counterterrorism, threat assessment, and risk mitigation.

##### (2) Particular support

The support provided under paragraph (1) shall include the following:

(A) Modeling, simulation, and analysis of the systems comprising critical infrastructures, including cyber infrastructure, telecommunications infrastructure, and physical infrastructure, in order to enhance understanding of the large-scale complexity of such systems and to facilitate modification of such systems to mitigate the threats to such systems and to critical infrastructures generally.

(B) Acquisition from State and local governments and the private sector of data necessary to create and maintain models of such systems and of critical infrastructures generally.

(C) Utilization of modeling, simulation, and analysis under subparagraph (A) to provide education and training to policymakers on matters relating to—

(i) the analysis conducted under that subparagraph;

(ii) the implications of unintended or unintentional disturbances to critical infrastructures; and

(iii) responses to incidents or crises involving critical infrastructures, including the continuity of government and private sector activities through and after such incidents or crises.

(D) Utilization of modeling, simulation, and analysis under subparagraph (A) to provide recommendations to policymakers, and